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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	3:73-cv-00128-MMD-WGC
)	
Plaintiff,)	
)	JOINT STATUS REPORT OF
WALKER RIVER PAIUTE TRIBE,)	PRINCIPAL DEFENDANTS
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.,)	
)	
Defendants.)	
)	
MINERAL COUNTY,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
et al.,)	
)	
Defendants.)	

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1 **I. INTRODUCTION.**

2 This Joint Status Report is submitted pursuant to the Court's Minute Order of March 23,
3 2021 (ECF #908). It is submitted on behalf of the Walker River Irrigation District (the "District"),
4 the Nevada Department of Wildlife, Lyon County, Nevada, Mono County, California, Desert Pearl
5 Farms, LLC, Peri Family Ranch, LLC, Peri & Peri, LLC and Frade Ranches, Inc., and the
6 Schroeder Group. In order to provide information on the status of this matter that will be of
7 assistance to the Court in determining how to move it forward and bring this now 27 year old
8 matter to a conclusion, it is useful to briefly summarize its history. A more detailed statement of
9 the early history of this matter is contained in reports filed in 2012. *See*, ECF #576; ECF #577.
10

11 As will be discussed in more detail below, consideration needs to be given to updating the
12 status of the pleadings, the process for providing notice to parties who have filed Notices of Intent
13 to Participate, but who are not represented by counsel, and procedures related to responses and
14 scheduling and case management. As these procedural issues are considered, there is an urge to
15 also consider the legal merit of the claim or claims which Mineral County contends it may still
16 assert. The urge to reach conclusions on them must be resisted until this matter is placed in a
17 proper procedural posture. However, it is necessary to know what they are because they influence
18 the need for requiring a Second Amended Complaint.
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20 **II. MINERAL COUNTY'S INTERVENTION AND ITS AMENDED COMPLAINT.**

21 **A. Background.**

22 The long history of how this matter began, and the history of early service of process is set
23 forth in detail in ECF #576 at pgs. 1-15, and will not be repeated here. For the convenience of the
24 Court, what may be described as Mineral County's original proposed complaint in intervention
25 (document titled "Mineral County's Proposed Petition to Intervene") is attached hereto as Exhibit
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27 A. It was filed on October 25, 1994, and is at ECF #3. On February 9, 1995, the Court directed
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1 Mineral County to file a revised motion to intervene and points and authorities in support thereof
2 (the “Motion to Intervene”), a revised proposed complaint-in-intervention, “which identifies the
3 persons or entities against whom” its claims would be asserted, and any motion for preliminary
4 injunction with supporting points and authorities and other supporting documents (collectively,
5 the “Intervention Documents”). ECF #19 at2. A copy of Mineral County’s Amended Complaint
6 in Intervention is attached hereto as Exhibit B. It is ECF #20, and was filed without a decision on
7 intervention on March 10, 1995. Eventually, this Court proceeded with briefing and a hearing on
8 the motion to intervene before Mineral County completed service. ECF #714; ECF #626. The
9 Court orally granted Mineral County’s motion to intervene. ECF #732 at 37. A proposed order
10 was later submitted, but it does not appear that it was ever entered. ECF #731.

11
12 The Amended Complaint alleges subject matter jurisdiction based upon this Court’s
13 “continuing jurisdiction” and that “the matter in controversy arises under the Constitution, laws,
14 or treaties of the United States.” Exh. B at 2. The Amended Complaint seeks to modify the
15 Walker River Decree and reallocate the waters of the Walker River so that at least 127,000 acre
16 feet per year reaches Walker Lake. Exh. B at 4-6. The legal basis for the claim is alleged to be
17 the “doctrine of the maintenance of the public trust.” Exh B at 5-6. It alleges that “without
18 reallocation of the waters to ensure priority to sustain the Lake, Walker Lake will suffer substantial
19 and irreparable damage.” Exh. B at para. 10, pg. 4.

20
21 After granting the Motion to Intervene, this Court directed the filing of motions related to
22 the Court’s subject matter jurisdiction over the Amended Complaint. *See*, ECF #737 at 67-69.
23 The District moved to dismiss the Amended Complaint on the ground that it did not arise under
24 the Constitution, laws or treaties of the United States, and was not one over which this Court had
25 continuing jurisdiction. ECF #751; ECF #751-1.

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27 **B. The District Court Decision.**

1 This Court ruled that Mineral County did not have standing to assert a public trust claim. ECF
 2 #814 at 6-8. However, it went on to address the merits of Mineral County’s claim. It recognized that
 3 the relief Mineral County sought, modification of the Walker River Decree in a manner to provide
 4 minimum flows to Walker Lake, would be adverse to the water rights recognized by it. This Court
 5 concluded that Nevada law does not allow the public trust doctrine to be used to abrogate
 6 appropriative rights. It held that the relationship between the public trust doctrine and the
 7 appropriative water rights system in Nevada only permitted the doctrine to be used prospectively to
 8 prevent the granting of appropriative rights, not retroactively to divest them. ECF #814 at 8-16. It
 9 also ruled that such a retroactive divestiture would constitute a taking which must be justly
 10 compensated under both the state and federal constitutions, and that this Court had no authority to
 11 grant such relief. ECF #814 at 17-19. As a result of those conclusions, this Court entered a judgment
 12 dismissing Mineral County’s Amended Complaint. *Id.* at 20. The dismissal was appealed to the
 13 Ninth Circuit. ECF #825.

16 **C. The Proceedings in the Ninth Circuit.**

17 In a concurrently filed memorandum disposition, the Ninth Circuit concluded that Mineral
 18 County had standing to assert its claim. *Mineral County v. Walker River Irrigation Dist*, 900 F.3d
 19 1027, 1030, n. 4 (9th Cir. 2018). Because “the remaining issue – whether the Walker River Decree
 20 can be amended to allow for certain minimum flows of water to reach Walker Lake – depends on
 21 whether the public trust doctrine applies to rights previously adjudicated and settled under the doctrine
 22 of prior appropriation and permits alteration of prior allocations,” was an important question of
 23 Nevada law, the Ninth Circuit certified two questions of law to the Nevada Supreme Court. *Id.* at
 24 1031. The questions of law certified were:

26 Does the public trust doctrine apply to rights already adjudicated and settled under the
 27 doctrine of prior appropriation and, if so, to what extent?

1 If the public trust doctrine applies and allows for reallocation of rights settled under
2 the doctrine of prior appropriation, does the abrogation of such adjudicated or vested
3 rights constitute a “taking” under the Nevada Constitution requiring payment of just
4 compensation?

4 *Id.* At 1034.

5 **III. THE NEVADA SUPREME COURT DECISION.**

6 The Nevada Supreme Court issued its Opinion on September 17, 2020 in *Mineral County v.*
7 *Lyon County*, 473 P.3d 418 (Nev. 2020). The Nevada Supreme Court rephrased the first certified
8 question as follows:

9 Does the public trust doctrine permit reallocating rights already adjudicated and
10 settled under the doctrine of prior appropriation and, if so, to what extent?

11 *Mineral County*, 473 P.3d at 421.

12 The Nevada Supreme Court’s answer to the rephrased question is “that the public trust
13 doctrine does not permit reallocating water rights already adjudicated and settled under the doctrine
14 of prior appropriation.” *Id.* at 431. Recognizing that, as a result of the answer to that question, there
15 would be no modification of the Walker River Decree reallocating any of the water rights adjudicated
16 by it and thus no issue of either a physical or regulatory taking of any of those rights, the Nevada
17 Supreme Court said that it “need not address the second certified question.” *Id.*

18 The Nevada Supreme Court’s decision correctly confirms that, historically and in Nevada, the
19 public trust doctrine is a doctrine that “acts as a restraint on the state in alienating public trust
20 resources.” *Mineral County*, 473 P.3d at 423. In the seminal case of *Illinois Central Railroad v.*
21 *Illinois*, 136 U.S. 387 (1892), the alienation of the submerged lands of Lake Michigan and in
22 *Lawrence v. Clark County*, 254 P.3d 606 (Nev. 2011), the alienation of lands formerly submerged by
23 the Colorado River were at issue. The public resource at issue here is the right to use Nevada’s water,
24 not Walker Lake or land submerged by Walker Lake.
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1 Based upon the correct understanding of the public trust doctrine as a restraint on a state's
2 alienation of a trust resource, the Nevada Supreme Court rejected the notion that the doctrine allows
3 a court or an administrative agency to independently regulate such resources without legislative
4 guidance. It declined to follow the approach taken by the California Supreme Court in *National*
5 *Audubon v. Superior Court of Alpine County*, 658 P.2d 709 (Cal. 1983), which concluded that,
6 although the public trust doctrine did not necessarily require any reallocation of water, the decision
7 of whether there should be a reallocation of water rights, and the extent of that reallocation, could be
8 made by a single judge or an administrative agency with virtually no objective criteria to guide the
9 decision. Referring to *National Audubon*, the Nevada Supreme Court said, "we decline to diminish
10 the stability of prior allocations and detract from the simultaneous operation of both prior
11 appropriation and the public trust doctrine" *Mineral County*, 473 P.3d at 430, n. 10.
12

13 Equally important, the Nevada Supreme Court acknowledged the role the legislative branch
14 of government plays in the disposition of public resources, and confirmed the conclusion it reached
15 in *Lawrence v. Clark County*, 127 Nev. 390, 254 P.3d 606 (2011), that the judicial branch was
16 required to give deference to the Legislature's conclusions. *Mineral County*, 473 P.3d at 427-428.
17 The Court then analyzed whether the Nevada Legislature's alienation of the right to use water through
18 Nevada's comprehensive water law satisfied the three-prong test it had established in *Lawrence* for
19 the dispensation of public trust property consistent with the public trust doctrine.
20

21 After a very careful analysis of Nevada's water law and the elements of the *Lawrence* three-
22 prong test, the Nevada Court concluded that Nevada's comprehensive water law was consistent with
23 the public trust doctrine. It held that Nevada's comprehensive water law prevented reallocation of
24 perfected water rights, and that that prevention was, in fact, appropriate under Nevada's public trust
25 doctrine. It ruled that Nevada's public trust doctrine does not permit reallocating water rights already
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1 adjudicated and settled under the doctrine of prior appropriation. *Mineral County*, 473 P.3d at 427-
2 430.

3 Importantly, the Court deferred to the public policy decisions the Legislature has made in not
4 providing for such reallocations. It said:

5 We cannot use the public trust doctrine as a tool to uproot an entire water system,
6 particularly where finality is firmly rooted in our statutes. We cannot read into the
7 statutes any authority to permit reallocation when the legislature has already declared
8 that adjudicated water rights are final, nor can we substitute our own policy judgment
for the legislature's.

9 *Mineral County*, 473 P.3d at 430. Those public policy decisions reflect the Legislature's conclusion
10 that protection of perfected water rights is vital to municipalities, agriculture, mining and other
11 industries in arid states like Nevada. Permitting the reallocation of such water rights will create
12 "uncertainties for future development in Nevada and undermine the public interest in finality and
13 thus also the management of these resources consistent with the public trust doctrine." *Id.* at 429.

14 The Court expressly rejected the dissent's assertion, which was based upon arguments in
15 *Mineral County's* Reply Brief, that Mineral County could obtain the relief it seeks by measures not
16 involving the reallocation of the water rights recognized by the Walker River Decree. *See, Mineral*
17 *County III*, 473 P.3d at 431-432. The Court correctly pointed out that Mineral County's 1995
18 Amended Complaint, which predicts Walker Lake would be dry by 2020, seeks an annual allocation
19 of minimum flows of 127,000 acre feet and that that request could only be met by "abrogating the
20 rights of more senior right holders" and "would therefore require reallocating water rights." *Id.* 473
21 P.3d at 430, n. 8.

22 In summary then, Nevada's public trust doctrine acts as a restraint on alienation of Nevada's
23 public resources. It is not a doctrine which supports a claim that a court may, on an *ad hoc* basis,
24 create out of whole cloth regulations not imposed by the Nevada Legislature on the use of those
25 resources. Nevada's public trust doctrine defers to the role of the Legislature and establishes a legal
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1 standard for determining whether the Legislature has exercised its authority consistent with the
 2 public trust. If the Legislature has, that is the end of the inquiry. As to that, the Nevada Supreme
 3 Court said:

4 Although we recognize that the public trust doctrine applies to prior appropriated
 5 rights and that the doctrine has always inhered in Nevada’s water law, we hold that
 6 Nevada’s comprehensive water statutes are already consistent with the public trust
 7 doctrine because they (1) constrain water allocations based on the public interest and
 8 (2) satisfy all of the elements of the dispensation of public trust property that we
 9 established in *Lawrence*.

10 *Mineral County*, 473 P.3d at 426.

11 For the first time in its Reply Brief before the Nevada Supreme Court, Mineral County argued
 12 that “the [Public Trust Doctrine] does not require and we have not sought any reallocation of water
 13 rights. Rather, the PTD requires a change in management of the system to ensure that adequate
 14 inflows reach Walker Lake to, over time, bring the Lake to a reasonable state of health on functionality
 15 in terms of its trust uses and values.” It then described that “change in management” as follows:

16 Rather, the PTD requires a change in the management of the system to ensure that
 17 adequate inflows reach Walker Lake to, over time, bring the Lake to a reasonable state
 18 of health and functionality in terms of its trust uses and values. A recognition of this
 19 public trust obligation may lead to an order requiring the fulfillment of that duty. Such
 20 an order might involve, without limitation: (1) a change in how surplus waters are
 21 managed; (2) mandating efficiency improvements with a requirement that water saved
 22 thereby be released to the Lake; (3) curtailment of the most speculative junior rights
 23 on the system; (4) a mandate that the State provide both a plan for fulfilling its public
 24 trust duty to Walker Lake and the funding necessary to effectuate that plan and/or (5)
 25 an order requiring water rights holders to come up with a plan to reduce consumptive
 26 water use in the Basin as was done by the SE in Diamond Valley. While fulfilling the
 27 PTD duty to Walker Lake would involve some reduction in the availability of water
 28 in the system for irrigation, in this regard the PTD would be like any other natural
 constraint on the already variable availability of water to supply private appropriations
 and would not constitute a modification of water rights.

Mineral County Reply Brief, filed July 26, 2019 at 18; *see also*, *Mineral County*, 473 P.3d at 431-
 432. [Emphasis added].

27 **D. The Final Ninth Circuit Opinion.**

1 By Order dated September 25, 2020, the Ninth Circuit directed the District and other parties
2 to address the effect of the Nevada Supreme Court's Opinion on the issues pending in this case. The
3 defendants argued that the Nevada Supreme Court's Opinion required it to affirm the dismissal of
4 Mineral County's Amended Complaint and the Judgment entered thereon by the District Court.
5 However, in its opinion issued January 28, 2021, the Ninth Circuit declined to do so. The Ninth
6 Circuit said:

8 To the extent that Mineral County seeks a reallocation of water rights already
9 adjudicated and settled under the doctrine of prior appropriation, the parties agree that
10 the County's claim is foreclosed by the Nevada Supreme Court's decision. Insofar as
11 the County seeks a reallocation of water rights, it appears that "the voluntary sale and
purchase of water rights is the only available means to accommodate the needs of
current water right holders and to restore Walker Lake under the Decree.

12 *Mineral County v. Walker River Irrigation Dist.*, 986 F.3d 1197, 1203 (9th Cir. 2021).

13 The Ninth Circuit noted that Mineral County contended that it should vacate the judgment
14 and remand for further proceedings on two legal theories. *Id.* at 1203-1204. However, the Court
15 rejected Mineral County's first theory, or claim, that it should be allowed to challenge the Walker
16 River Decree on the ground that the Decree itself violates the public trust doctrine. 986 F.3d at 1204.
17 It said that such challenge is untimely. *Id.*

19 The Ninth Circuit concluded that perhaps Mineral County could seek remedies that
20 would not involve a reallocation of water rights. It recited the proposed remedies which Mineral
21 County had raised for the first time in its Reply Brief in the Nevada Supreme Court which are quoted
22 above. The Ninth Circuit was not persuaded that a remand was unnecessary. First, it noted that the
23 Nevada Supreme Court did not determine whether other remedies were viable. Second, it noted that
24 the County's Complaint was at least broad enough to justify a remand, without determining whether
25 it actually stated valid claims. And third, it would not address the District's arguments that the
26 remedies were unavailable. The Ninth Circuit accordingly concluded that these issues should be left
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1 to this Court to address in the first instance. *Mineral County*, 986 F.3d at 1205-1206. It said:

2 The district court properly dismissed Mineral County’s public trust claim to
3 the extent it seeks a reallocation of water rights adjudicated under the Decree and
4 settled under the doctrine of prior appropriation. The County, however, may pursue
5 its public trust claim to the extent that the County seeks remedies that would *not*
6 involve a reallocation of such rights. The judgment of the district court, therefore, is
7 affirmed in part and vacated in part, and the case is remanded for proceedings
8 consistent with this opinion.

9 *Id.* at 1206. The Ninth Circuit did not decide, nor could it decide, whether a claim for any of those
10 remedies can be stated under Nevada’s public trust doctrine.

11 Although now is not the time to decide those questions, in our judgment, those last minute
12 arguments must ultimately be rejected. Nevertheless, we give the Court a preview of our reasons why
13 they must be rejected when they are properly before the Court.

14 First, the dissent made Mineral County’s argument, and the majority opinion soundly rejected
15 it. *Mineral County*, 473 P.3d at 430, n. 8. Second, the Nevada Supreme Court’s decision makes it
16 absolutely clear that the Nevada public trust doctrine does not require any such change in the
17 management of the Walker River. It is a doctrine which acts as a restraint on alienation of a public
18 resource, here the right to use water, and it has been satisfied. Therefore, any change in management
19 must come from the Legislature, not the courts.

20 Third, while Mineral County itself recognizes that its management proposals “might involve
21 some reduction in the availability of water in the system for irrigation,” it likens them to a “natural
22 constraint on the already variable availability of water to supply private appropriations” and thus
23 would not be a “modification of water rights.” The Nevada Supreme Court’s decision clearly does
24 not allow the prohibition against the reallocation of a water right to be circumvented under the guise
25 of a court-imposed drought or water shortage, which Mineral County openly acknowledges will
26 reduce the water supply for existing water rights, and thus result in their reallocation. Moreover, had
27 the Supreme Court intended to allow such a regulatory circumvention, it would have recognized the
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1 need to answer and would have answered the second certified question concerning a compensable
2 taking.

3 Fourth, Mineral County's "management proposals" are either unnecessary, or clearly beyond
4 the power of this Court because Nevada's public trust doctrine does not require them. We briefly
5 examine each proposal in turn.

6
7 There is no need to develop a management scheme for surplus waters in wet years. Any
8 surplus water not needed to satisfy an already existing upstream water right is water which must flow
9 to Walker Lake under the Nevada Department of Wildlife ("NDOW") Nevada State Engineer Permit
10 No. 25792 and Certificate No. 10860 for 795.2 cfs not to exceed 575,870 acre feet per year with a
11 priority of September 17, 1970 for the benefit of Walker Lake, and because there is nowhere else for
12 it to go. That was demonstrated in 2017, 2018 and 2019, where the elevation of Walker Lake
13 increased in those years by 12.25 feet, 1.27 feet and 3.8 feet, respectively. Moreover, as noted, the
14 requirement that such water flow to Walker Lake is already established under Nevada's water law.
15

16 Flows outside of the irrigation season are already managed by the Walker River Decree. They
17 are the subject of water rights recognized by the Decree for stockwater and for storage in Bridgeport
18 and Topaz Reservoirs.¹ Any additional water in the system during the non-irrigation season will flow
19 downstream to Walker Lake under the NDOW water right.

20
21 Although the Nevada Legislature has prohibited the waste of water, it has not mandated
22 efficiency improvements for the benefit of Walker Lake or any other public resource. Without such
23 a statutory requirement, neither this Court, nor Mineral County, could require such relief, and the
24 decision of the Nevada Supreme Court makes it clear that the absence of such a statutory mandate in
25 Nevada's water law is not a violation of the public trust doctrine.

26
27 ¹ In a related proceeding, the United States and Walker River Paiute Tribe claim a federal right to
28 store water in Weber Reservoir during the entire year, including the non-irrigation season.

1 Curtailment of the “most speculative junior rights” on the system for the benefit of Walker
2 Lake clearly would be a direct reallocation of those junior water rights. The Nevada Supreme Court
3 determined that the public trust doctrine does not permit the reallocation of such water rights to benefit
4 Walker Lake.

5
6 No court, including this Court, has the power to require the State of Nevada to provide a plan
7 and funding necessary to improve Walker Lake’s situation, and the Nevada Supreme Court has
8 determined that Nevada’s water law satisfies the public trust doctrine without such a mandate.
9 Similarly, no court, including this Court, has the power to order water right holders to come up with
10 a plan to reduce consumptive water use in the Basin. The reliance on the situation in Diamond Valley
11 is misplaced. The plan there is voluntary and is based upon an express statutory provision, N.R.S.
12 534.037, which allows, but does not require, water users in a “Critical Management Area” to develop
13 a groundwater management plan to remove a basin from its designation as a “Critical Management
14 Area.” In the absence of such an approved plan, the State Engineer is required to regulate the use of
15 the water supply in the groundwater basin based upon priority. *See*, N.R.S. 534.110(7).
16

17 **V. THE PROCESS GOING FORWARD.**

18 The initial procedural step to be taken here is to require Mineral County to amend its Amended
19 Complaint in Intervention. That amended pleading needs to clearly state the alleged basis for the
20 jurisdiction of this Court, the legal bases for the claim or claims being asserted, the remedies which
21 Mineral County seeks, and why those remedies are not a reallocation of water rights in disguise of “a
22 change in management.” In other words, it must meet the requirements of Rule 8(a) of the Federal
23 Rules of Civil Procedure. There is no better evidence of the need for an amended pleading here than
24 the original Complaint and the Amended Complaint, Exhibits A and B hereto, which are sparse and
25 make no mention of any remedy other than reallocation. Those pleadings, in fact, cannot be construed
26 as seeking anything other than a “reallocation” of the waters of the Walker River because that is
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1 precisely what they say, and contain no prayers for the remedies the County now identifies after losing
2 before the Nevada Supreme Court. See, Exhibit A at 5-6; Exhibit B at 4-5.

3 Although these defendants are of the view that the relevant provisions of Fed. R. Civ. P., Rule
4 15 requires a motion and Court approval for the filing of another amended pleading, and there are
5 reasons why that might be denied, the need to bring this matter to a conclusion should not be delayed
6 by a likely appeal of an unlikely denial of such a motion. They are willing to stipulate to the filing of
7 a second amended complaint which meets the criteria described above.
8

9 If Mineral County is unwilling to file a second amended complaint as proposed, it will lead
10 to additional pre-answer motion practice whereby defendants will either challenge the sufficiency of
11 Mineral County's present Complaint based upon the Nevada Supreme Court's response to the Ninth
12 Circuit's certified questions, or alternatively and at a minimum seek a more definite statement to
13 determine what exactly Mineral County now seeks for a remedy, based upon what legal theories, and
14 whether what is requested even presents a justifiable controversy. There is no reason to spend party
15 and judicial resources on such a course of action when these defendants are willing to stipulate to the
16 filing of a second amended complaint.
17

18 At the same time as Mineral County is preparing its second amended complaint, and before it
19 is filed, the Court and parties should consider whether there are adequate procedures in place to ensure
20 that appearing unrepresented parties will receive notice of it. When the companion to this matter,
21 *United States, et al. v. Walker River Irrigation District, et al.*, 3:73-cv-00127-MMD-WGC was
22 returned to this Court in 2018, the parties took steps to ensure notice to such appearing but
23 unrepresented parties. Since the return of this matter to this Court, the undersigned have seen many
24 notices of "mail returned as undeliverable." We have also seen an indication that, for some reason,
25 attorneys appearing on behalf of some parties have not received service under the ECF system. The
26 parties and the Court should address these issues.
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Before the Second Amended Complaint is filed, the parties and the Court should also address when responses to it will be required. In addition, depending on the nature of those responses, the Court and the parties will also need to consider the steps which must be taken to bring this matter to a conclusion, including, but not limited to, time for initial disclosures, a case management order, discovery plan, and scheduling order.

Date: April 21, 2021 WOODBURN AND WEDGE

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Date: April 21, 2021 SCHROEDER LAW OFFICES, P.C.

By: / s / Therese A. Ure Stix
Therese A. Ure Stix
Attorneys for the Schroeder Group

CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on April 21, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/ s / Holly Dewar
An employee of Woodburn and Wedge